



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL DAVITT,

Plaintiff,

vs

PRINCE,

Defendant.

Case No. 3:09-cv-0051-BES-RAM

ORDER

Plaintiff, an inmate at Ely State Prison, is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. Section 1983. On May 19, 2009, the court entered a screening order in this case, dismissing the complaint for failure to state a claim (Docket #4). The court granted plaintiff thirty days to file an amended complaint remedying, if possible, the defects in the original complaint. Plaintiff was expressly cautioned that his failure to timely file an amended complaint in compliance with the court's order would result in the dismissal of this entire action and the entry of judgment for defendants. Thirty days have now passed and plaintiff has failed to file an amended complaint or otherwise respond to the court's order.

IT IS THEREFORE ORDERED that this action is **DISMISSED without prejudice**. The clerk is directed to enter judgment for defendant and to close this case.

Dated this 13th day of July, 2009.


UNITED STATES DISTRICT JUDGE